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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/718,614	11/22/2000	Hisashi Kawahara	14092	3313

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EXAMINER

MISKA, VIT W

ART UNIT PAPER NUMBER

2841

DATE MAILED: 03/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/718,614

Applicant(s)

KAWAHARA ET AL.

Examiner

Vit W. Miska

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-41 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 38 and 40 is/are allowed.
- 6) ☒ Claim(s) 27-37, 39 and 41-49 is/are rejected.
- 7) ☒ Claim(s) 41/38, 41/40 is/are objected to:
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

37FCR1.71

§ 1.71 Detailed description and specification of the invention.

- (a) The specification must include a written description of the invention or discovery and of the manner and process of making and using the same, and is required to be in such full, clear, concise, and exact terms as to enable any person skilled in the art or science to which the invention or discovery appertains, or with which it is most nearly connected, to make and use the same.
- (b) The specification must set forth the precise invention for which a patent is solicited, in such manner as to distinguish it from other inventions and from what is old. It must describe completely a specific embodiment of the process, machine, manufacture, composition of matter or improvement invented, and must explain the mode of operation or principle whenever applicable. The best mode contemplated by the inventor of carrying out his invention must be set forth.
- (c) In the case of an improvement, the specification must particularly point out the part or parts of the process, machine, manufacture, or composition of matter to which the improvement relates, and the description should be confined to the specific improvement and to such parts as necessarily cooperate with it or as may be necessary to a complete understanding or description of it.

Objection to the Specification

1. The specification is objected to under 37CFR1.71 as failing to be written in such full, clear, concise and exact terms as to enable any person skilled in the art to make and use the same.
2. The description of the embodiment of Fig. 4 at pages 17-18 is not clear and does not correspond sufficiently with Fig. 4 of the drawing. At page 18, lines 1-5 of the specification is described "a power storage amount detecting means 31 for detecting the power storage amount of the power storage means 2, a remaining capacity detecting means 32 for detecting the remaining capacity of the power storage means 2 and a control means 4 for controlling the operation of the watch circuit 5 according to the remaining capacity and the power generation amount...". This statement is contradictory because it is not clear whether the control of the operation of the watch circuit is based on the remaining capacity and the power storage amount of the power storage means 2, or on the remaining capacity of the power storage means 2 and power generation amount of the power generation means 1. The latter case is also confirmed in line 13 of page 18.

3. Applicant also has not adequately differentiated the terms "remaining capacity", "power storage amount" and "charge amount" of power storage means 2 in the specification. It appears that some of these terms are synonymous when used in the specification, but the claims imply separate quantities. Applicant is required to define these terms in the specification in a manner consistent with the disclosure.

4. Further, Fig. 4 of the drawing fails to correspond to the description in the specification. If "power storage amount sensing means 31" in fact detects power of storage means 2 as implied in the specification and claims, the embodiment referred to would be inoperative as shown in the drawing because element 31 in the figure is not connected to power storage means 2, but rather to "power generation means 1".

Claim Rejections - 35 USC § 112

5. Claims 27, 31, 34/31, 35/31, 39 and 49 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The reasons have been set forth in pars. 1-4, above.

Claim Objections

6. Claims 42-45 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim may not depend from another multiple dependent claim. See MPEP § 608.01(n). Accordingly, these claims have not been further treated on the merits.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 27-30, 32,33, 34/29, 34/32, 35/30 and 46-48 are rejected under 35U.S.C. 102(e) as being anticipated by Nagata et al. The reference discloses a rechargeable electronic watch including power generation means 45, power storage means 90, watch circuit 80 for processing time information or function information (e.g.

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power loss) , display 82 for displaying time information or function information, power generation amount detecting means 70, control means 50, charge amount or remaining capacity detecting means 60 for detecting the power stored or remaining capacity of the power storage means 90, the watch circuit is driven in at least one clock operation mode selected, based on the control of the control means, from a plurality of clock operation modes as described in the specification with respect to Fig. 5, col. 18, lines 66-67 through col. 19 line 14.

8. Claims 37 and 41/37 are rejected under 35 U.S.C. 102(a) as being anticipated by Kawahara et al. The reference discloses a rechargeable electronic watch including power generation means 72, power storage means 71, watch circuit 2-5 for processing time information or function information (e.g. alarm), display 6 for displaying time or function information, a charge amount or remaining capacity detecting means 81, control means 4,44 for controlling the operation of the watch circuit in response to an energy balance between the amount or charge or capacity of the power storage means 71 and the power consumption of the watch as shown in the flow chart of Fig. 5 and described at cols.

8-11.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 36 and 41/36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawahara et al. The corresponding elements claimed have been identified in par. 8, above. Further, as shown in Fig. 1, power generation means 7 is shown in general, with a power detection means 8 associated therewith. A power storage means is not shown therein. The circuit of Fig. 1 is driven according to the energy balance between the amount of power generation and power consumption. In view of the embodiment of Fig. 2 where power supply 7 includes a power storage means 71, one skilled in the art would recognize that power supply 7 in Fig. 1 may have a power storage means connected thereto to store the generated charge. The power generation detecting means 8 may be connected to the power generator or storage means as suggested in Figs. 1 and 2.

10. Claims 38 and 40 are allowed.

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11. Claims 41/38 and 41/40 will be allowed if rewritten in independent form to include all limitations of the claims from which they depend.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vit W. Miska whose telephone number is 703-308-3096. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on 703-308-3121. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4900.

VM
March 19, 2003


Vit Miska
Primary Examiner